

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SCOTT D. DALESANDRO and DIANE	:	
NOONAN, on behalf of themselves and	:	
others,	:	
	:	
Plaintiffs,	:	
	:	Case No. C-1-01 109
vs.	:	
	:	Judge Sandra S. Beckwith
INTERNATIONAL PAPER COMPANY,	:	
	:	
Defendant.	:	

DEFENDANT'S RESPONSE TO PLAINTIFF'S
MOTION FOR HEARING ON MOTION AND SUPPLEMENTAL MOTION FOR
ATTORNEYS' FEES, EXPENSES, INTEREST AND INCENTIVE AWARDS

Plaintiffs moved this Court on October 26, 2004 for a hearing on remaining pending motions, requesting that such hearing be scheduled after November 15, 2004, the extended due date for Plaintiff's reply brief on their most recent flurry of motions. If the Court believes that a hearing or additional argument on some or all of these issues would be beneficial, International Paper respectfully requests that it be given an opportunity to provide additional information in response to the additional information that has been submitted by Plaintiffs since the initial motion and briefing of issues.¹

International Paper further objects to Plaintiffs' increasing the costs and attorneys' fees incurred in this action by their continuing unnecessary and duplicative filings and requests. Plaintiffs' counsel, over a year and half after the Order granting summary judgment in this action, has run up tens of thousands of dollars of unnecessary costs,

¹ In particular, IP requests that if the Court intends to consider or include Plaintiffs' late-filed economists' report, that IP be allowed to submit information in response/rebuttal of this report.

expenses, and attorneys' fees. Defendant should not be held accountable for these unnecessary amounts, nor should the Class Members be penalized by this continuing and unnecessary litigation, as their potential recovery continues to be affected and reduced by the claims of their attorneys against the common fund.

Respectfully submitted this 16th day of November, 2004,

INTERNATIONAL PAPER CO.

By: s / Grant S. Cowan

**COUNSEL FOR DEFENDANT
INTERNATIONAL PAPER CO.**

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November 2004, a true and complete copy of this document was delivered via electronic filing to Counsel for Plaintiff, Theresa L. Groh, Esq., and John C. Murdock at Murdock, Goldenberg, Schneider & Groh, L.P.A., 700 Walnut Street, Suite 400, Cincinnati, Ohio, 45202.

s/ Grant S. Cowan